

REMARKS

With this amendment, claims 1 and 2 have been amended to incorporate the limitations of claim 8 which has been cancelled. Claim 14 has been written in independent form as claim 29. New claim 30 corresponds to claim 15. Claim 20 is canceled so that the number of claims is not increased by the amendment. Support for new claim 29 is found in claim 1 and 14. Support for new claim 30 is found in claim 15. No new matter is added herewith. Applicant respectfully requests the entry of the amendments and reconsideration of the application in view of the amendments and the following remarks.

Allowable subject matter

Applicants gratefully acknowledge the Examiner's indication of allowability for claims 14 and 15. New claims 29 and 30 are presented which are based upon claims 14 and 15.

Rejection under 35 U.S.C. § 112, first paragraph – written description

Claims 1-3, 5, 6, 8-11 and 13 are rejected under 35 U.S.C. § 112, first paragraph as containing subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s) had possession of the claimed invention at the time that the application was filed.

The Office Action asserts that the description on page 20 of the present specification is insufficient to provide written description support for the linker of claims 1-3, 5, 6, 8-11 and 13.

In response to the rejection, claims 1 and 2 have been amended to include the limitation that the linker is a maleimidyl radical. Support for the amendment is found in canceled claim 8.

With respect to the linker of formula (IV), Applicants respectfully submit that the application provides sufficient written description on page 9, lines 12-18 of the present specification which states:

According to an embodiment, the linker of formula (IV) is selected from the group comprising 2-chloro-5-maleimidobenzoic acid, 3-maleimidobenzoic acid, 3-maleimidopropionic acid, 4-maleimidosalicylic acid, 6-maleimidoheptanoic acid, beta-maleimidopropionic acid, epsilon-maleimidocaproic acid and gamma-maleimidobutyric acid-, or the salts thereof.

Accordingly, Z is now limited to a maleimidyl radical for which the present specification discloses 8 distinct analogs. Regarding the X substituent of Formula IV, Applicants respectfully submit that one skilled in the art would readily recognize that the claimed method can be used for X being alkyl, aralkyl, alkenyl, cycloalkyl or aryl as X will not affect the reaction at either side of the linker.

In view of Applicants' amendments and arguments, reconsideration and withdrawal of the above ground of rejection is respectfully requested.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

CONCLUSION

In view of Applicants' amendments to the claims and the foregoing Remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Application No.: 10/522,565
Filing Date: June 20, 2005

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: Dec. 19, 2008

By: Che Chereskin
Che Swyden Chereskin, Ph.D.
Registration No. 41,466
Agent of Record
Customer No. 20,995
(949) 721-6385

6385897
121708